

## **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**November 22, 2005**

**5:00 PM**

In the absence of the Chairman, the Clerk called the meeting to order.

The Clerk called the roll.

Present: Aldermen Forest (late), Gatsas (late), Osborne, Porter, Lopez

Messrs.: Deputy Solicitor Arnold, J. Lahr, R. Ludwig, R. Marsten

On motion of Alderman Porter, duly seconded by Alderman Osborne it was voted to elect Alderman Osborne Chairman Pro-Tem.

Chairman Pro-Tem Osborne addressed Item 4 of the agenda:

Communication from Thomas Arnold, Deputy City Solicitor, providing an update on the status of cable casting origination points.

Deputy Solicitor Arnold stated as you are aware, the amendment to the City's franchise agreement with Comcast calls for four cable casting origination points to be installed at Gill Stadium and JFK Coliseum. Both of those origination points have been installed and are currently operational to my understanding. It calls for two more origination points – one at the School Administration building and one at the Verizon. Some time ago as was set forth in my letter, the School Department indicated an interest in not having the origination points installed in either the then School Administration building or Verizon and rather having them installed at the two high school athletic facilities. The Mayor wrote to Comcast and asked if they would be willing to make that switch. I think Comcast essentially responded that they would. As it turned out, there was an additional cost to moving those two origination points. In other words, what Comcast did was compared the cost of installing the two origination points at the School Administration building and the Verizon to what it would cost them to put those two origination points at the two high school athletic facilities. There was an additional cost to my recollection of around \$4,000 in round figures. That was referred to the School Department to locate funding since Comcast was not willing to bear that additional cost. I probably want to say about two months ago Grace Sullivan gave me a call and said that she would fund that out of monies available to her. Since those origination points are set forth in the amendment to the franchise agreement we have with Comcast, it will take, of course, a Board vote to alter that contract to move the origination points.

Alderman Lopez asked have we informed the School Administration. Besides Grace Sullivan is the School Board well aware that it is going to cost additional money if we go this route?

Deputy Solicitor Arnold answered when I learned that Comcast was not willing to bear the cost I spoke to both Mr. Sanders and Dr. Ludwell and informed them.

Alderman Lopez asked the School Administration building, which is down in the Millyard now, they do not want to hook that up. That has been a firm vote by the School Board?

Deputy Solicitor Arnold responded that was their indication yes that they would prefer to have the origination point at one of the high schools as opposed to the Administration building.

Alderman Lopez asked and the Verizon Wireless Arena.

Deputy Solicitor Arnold answered yes.

Alderman Lopez asked how did that play into...that was the original point where it was supposed to be hooked up. Is that out the window then?

Deputy Solicitor Arnold stated well obviously...

Alderman Lopez interjected I guess my point would be if we went the route that Dr. Sullivan and you are indicating are they still obligated to hook up the Administration building and the Verizon Wireless Arena.

Deputy Solicitor Arnold responded no they would not be. As I said, what was anticipated was that the Board would vote to amend or change the amendment to the franchise agreement with Comcast to specify that the four origination points would be JFK Coliseum, Gill Stadium, the West High School athletic facility and...

Alderman Lopez interjected I understand that. I am just saying we spend the extra money to hook up these two locations and in the original contract they were supposed to hook up the Administration building and the Verizon. If we don't spend the money are they still obligated to hook up those two?

Deputy Solicitor Arnold replied if you do not change the amendment to the contract, yes, they would be obligated to hook up the School Administration building and the Verizon.

Alderman Lopez stated so we are talking about West High School and Memorial - \$52,000. Is that right versus the original point School Administration building that was \$28,000? I thought they were going to hook that up without a cost?

Deputy Solicitor Arnold responded I think there is a typo in that letter. As I said, the difference in the cost between the two was \$4,669.50. I will have to go back and check that.

Alderman Lopez stated the only other comment I have is I surely would like to have a vote from the School Board to make sure that they want to spend this type of money on West High and Memorial. Has there been a vote by the School Board?

Deputy Solicitor Arnold responded as I said the School Board has indicated that they wanted the origination points switched. I cannot tell you whether there has been a specific consideration by the School Board of the additional cost.

Alderman Lopez asked is there a time element on this.

Deputy Solicitor Arnold answered no I don't think so.

Alderman Lopez moved to table. Alderman Porter duly seconded the motion. Chairman Pro-Tem Osborne called for a vote. There being none opposed, the motion carried.

Chairman Pro-Tem Osborne turned the meeting back over to Chairman Forest who arrived at the meeting.

Chairman Forest addressed Item 5 of the agenda:

Communication from Joseph Lahr, Executive Director of MCAM TV 23 requesting adoption by the Board of Mayor and Aldermen of a resolution regarding SB 1504, the Broadband Investment and Consumer Choice Act.

Joseph Lahr stated I am the Station Manager at Channel 23, MCAM, the new public access station down at 540 Commercial Street, which you are all invited to visit. What I have brought to you tonight and I appreciate you listening to this request, is the MI industry, the Community Media industry, we have learned that there has been a series of bills in Congress, not just 1504 but I did give out a handout and at the bottom of the page you will notice some other bills that have popped up in the interim. These particular pieces of legislation have been offered to allow such companies as Verizon and others into the TV game. The 1996

Federal Communications Act has finally shown its age and we are at the point now where the big companies want to get in and play on a playing field that cable companies are on. That competition is all well and good, however, what it does is it eliminates the local control. If 1504 were passed today it would immediately eliminate the franchise funding that the City receives from Comcast, not mattering that you still have nine years left on your contract. The contract would be voided almost immediately and there are other bills in Congress that have similar effects and repercussions that directly affect municipal control over what kind of telecommunications belong in their cities. What I am asking tonight is you will also notice on that handout on the stapled page in the back I have listed some cities that I am personally aware of that have adopted similar resolutions that have said to their members in Congress and those in the committees in Congress that are looking at these various bills that we do not approve of this, this is our city and we would like first shot at what comes in and how it affects our population.

Alderman Lopez stated I am a little uncomfortable approving anything tonight because I brought this to the attention of the Board of Mayor and Aldermen and referred it to this Committee. I was hoping that Dr. Sullivan would be here and our attorney, Mr. Arnold, I don't know if he wants to comment on it but I believe that...I have a lot of respect for you Joe but as a non-profit organization I have nobody in the City that is telling me that this is correct and that is why I am a little bit uncomfortable. If Mr. Arnold wants to make a comment on it, I am willing to listen.

Deputy Solicitor Arnold stated by and large as Mr. Lahr said in nutshell form it does abolish the right of the City to franchise cable operations. It abolishes the franchise fee, however, the legislation does provide that the City can charge a fee to manage its rights away of up to 5% of gross revenues. However, those revenues are defined differently than we defined them in our contract. For instance, they would not include income sources such as shop at home and that type of thing. I think without going through a bunch of details basically it would limit the franchise fee of 5% to the fees that the individual subscribers pay in aggregate. This would certainly have a large impact on the present way we do business with Comcast. I would also note one thing that Joe didn't mention is that this legislation limits the number of PEG channels, whether they be government, educational or public access, to four as the maximum number you can have. I believe our current contract provides for five. As I said, it certainly would have a large impact on the way the City currently deals with cable.

Alderman Lopez asked have seen the document Mr. Lahr handed out Mr. Arnold.

Deputy Solicitor Arnold answered I have seen it but I haven't had a chance to go through it in detail.

Alderman Lopez asked what would your recommendation be to the Committee.

Deputy Solicitor Arnold answered I pause for a moment because that is a large question. I think that the City is better served if it has the ability to franchise cable companies, whether it be Comcast or any other cable company that may come in. It gives us the ability to provide for how, to the extent we can control it, the system will be run. Things like elderly discounts, quality standards, billing standards, being notified of changes in cable programming line-ups, and being notified of changes in fees. As an overall summary, I think that the City is better served by the present system than what is proposed under this legislation but as Mr. Lahr, I think implied, we do have the new development so to speak of telephone companies trying to provide cable services and that is not really adequately dealt with in the present law so that is another consideration. Verizon has been known to argue that they don't have to get a franchise agreement at all. I think that we are better served by the present system. We obviously would need some system set-up to deal with telecommunication providers that are looking to provide cable services in the City when that should come to pass.

Chairman Forest stated I have two questions. This is a time sensitive issue right Joe? Do you know when this is coming up before Congress?

Mr. Lahr responded no I don't. The Supreme Court changes and the hurricane have slowed this bill down in the committee it was in. There are other more pressing issues down there. However, I would like to say one thing. When I brought this to Alderman Lopez and then subsequently to the rest of the Board what I was hoping to do was to educate you about the rapid changes that are taking place in the telecommunications industry and how the federal government is responding. This particular bill, 1504, has already changed in many ways because the sponsors of the bill have had difficulty getting full support. They have changed it and made changes to the bill in a few ways to make it a little more palatable to the other representatives in Washington. However, during that same time other different bills with similar repercussions have popped up. I guess what I am asking tonight is not so much lets stamp 1504 down. What I am asking tonight is that the Aldermen at least make their voice known as a municipality that the telecommunications in the town belong to you and the citizens rights to community media or not rights to community media as the case may be belongs in your hands. It is a gift from the City. So 1504 as it stands may or may not pass. Where it is at in the committee is tenuous but as I noted on this form that I handed out, this other bill, this Bits 2 bill just showed up in the last week or so. This is going to happen until something breaks. The telecommunications companies like Verizon and SBC or whatever want to get in and they are going to continue to fight with their lobbyists until they do get in. It is just a matter of how they get in

and whether or not they pay as much as the current telecommunications providers like Comcast. It is a matter of what kind of playing field they end up with at the end of the day. I guess what I am asking for in general is for the municipality, the community, to understand that changes are coming and how we respond to them is very important.

Chairman Forest stated the other comment I had is I know it is third party but several weeks ago I met and was privileged to attend a media conference in Stratham, Vermont. I talked to a lot of these people who manage some of these stations that you see here like Bedford and Londonderry and some in Massachusetts. Pretty much the weekend I was there this is all they talked about was this bill. I believe in listening to them and again, Joe and Dr. Sullivan, that this bill could really hurt this City as far as how we control the media and how the funds are spent. I do recommend that we send this to the Board with a recommendation or at least just send it to the full Board.

Alderman Lopez stated I am not questioning all of the comments that have been made. It is just that I have to know what I am in opposition to. My problem is I don't have Dr. Sullivan telling me this and I don't have the City attorney telling me this. That is my only problem. I can't vote for something that I am not too positive on.

Chairman Forest responded I can understand your position but like I said I did talk to Dr. Sullivan.

Alderman Lopez asked why isn't she here.

Chairman Forest answered I have no idea. Again, Joe sent the letter. I don't even know if she was invited by this Committee.

Alderman Lopez stated I have respect for Joe and MCAM but they are a non-profit organization. I have nobody here speaking for the City unless Mr. Arnold has some suggestions.

Alderman Osborne asked is there any problem with just sending it to the full Board.

Chairman Forest answered I would prefer that we do send it to the full Board because again this is a time sensitive thing in Congress and we can discuss it there and maybe we can get Dr. Sullivan to explain her position on this.

Alderman Osborne moved to refer the item to the full Board of Mayor and Aldermen. Alderman Porter duly seconded the motion. Chairman Forest called

for a vote. The motion carried with Alderman Lopez being duly recorded in opposition.

Chairman Forest addressed Item 6 of the agenda:

Communication from Thomas Meehan regarding the street performer ordinance.

On motion of Alderman Porter, duly seconded by Alderman Osborne it was voted to receive and file.

Chairman Forest addressed Item 7 of the agenda:

Ordinance regarding smoking at West Little League in Cullerot Park and other city parks submitted by Alderman Forest.

Richard Marsten stated I am the President of West Little League and I reside in Ward 12. This ordinance or this request that we have, a little bit of knowledge that I have about some of the other leagues is that some of them have signs that are up that say "No Smoking" and we brought it up at our Board and we discussed it and talked about it and thought that it was a good idea and Armand being a member of our Board said that we might need to do something with an ordinance so we said fine and we didn't have any problem with that. That is how this kind of came about. I guess I am thinking that some of this...we are not looking to have people arrested if they are smoking at a park. None of us are looking at that kind of an aspect but in the same vein I would like you to think in terms of...we have ordinances on the books that say don't litter yet we don't have police running around and arresting people for throwing something out on the street. It is just that it gives you a little bit of something...if you put a sign up people can't say you can't do it. We do try to talk to people and say that we don't think that smoking around a little league park is conducive to children and that is the whole point of it. Eventually this society will become, as we all know, a smokeless society. It may not be in our lifetime but I think it is coming and that is all we are trying to promote is good things for children such as we don't allow drinking at the ballpark. We are just trying to do that type of thing and set a better example for the children. We are not looking to have people get into arguments or fighting over it or having the police get involved. It is more being able to say that we are legal to put up a sign that says "No Smoking."

Alderman Osborne asked is there a specific ordinance put together for this for all City-owned parks or just this particular park.

Mr. Marsten answered from what I understand you have an ordinance now that you can't smoke at Gill Stadium and a couple of other places and this ordinance was kind of put together for our league but then it was broadened if any other league wants to come along and ask for it to be applied at their league they could tag on and they could get it as well if they wanted to is what I was led to believe.

Alderman Osborne asked would that fall under the same ordinance Mr. Arnold.

Chairman Forest stated Mr. Arnold has a draft of an ordinance that we could pass and I would ask him to either read it or explain the version of it.

Deputy Solicitor Arnold responded it is quite brief and it is included in your agenda. It provides that Cullerot Park, in any portion of the premises controlled by West Little League there shall be no smoking. As you can see, there is a paragraph B that basically provides that the Parks, Recreation and Cemetery Department is authorized to designate additional no smoking areas in other City parks.

Alderman Osborne asked so Parks & Recreation will be the ones to designate...

Chairman Forest interjected Parks & Recreation has sort of agreed and I will have Ron explain that.

Alderman Lopez stated are all of the little leagues controlled by the little league or Parks & Recreation.

Mr. Marsten responded I don't understand your question.

Alderman Lopez asked are the little leagues controlled by Parks & Recreation and not the little leagues themselves.

Mr. Marsten answered that would be correct.

Alderman Lopez stated I have no problems with people smoking in the stands or not smoking in the stands or not smoking in the canteen area but you are saying "controlled by West Little League." I don't know if that is the proper terminology when it is a City park. The problem with an ordinance is we shouldn't make an ordinance just for West Little League. I believe that the ordinance should be no smoking in the stands, no smoking in the canteen area and no smoking on the playing field but what if somebody is out in right field leaning over the fence having a cigarette? Then you are going to have arguments about that. I believe that if we are going to do an ordinance it should be Citywide in the parks. What are you going to do if somebody drives up in a car and they are having a cigarette



in their car? What are you going to do? Nothing. The idea is to get the cigarettes out of the stands when people are watching the games or the canteen where there is food or the playing field where the kids are. I am not in favor of the way this ordinance reads now.

Chairman Forest called Ron Ludwig forward.

Ron Ludwig, Parks, Recreation & Cemeteries Director, stated as you know this was proposed by Alderman Forest. In essence, the Parks Department is supportive of the ordinance. We think it is a good ordinance. There are many recreation leagues around the City where we really don't want to encourage smoking. In discussions that we have had with Commissioners though at least one Commissioner brought up a situation where there was an argument that ensued because an individual was in his car smoking with the window open and that individual felt he was within a certain distance...I don't know but an argument ensued so when we talked about this at the Commission level we felt that the league was going to have responsibility for effectively determining where there was going to be smoking around the clubhouse, in the concession, along the first and third base lines. We thought that it might be in their best interest to designate some sort of smoking area and again as Alderman Lopez brought up that could be out in right field in a particular area. I think we have to be careful with this because this is going to carry a little bit further than just little leagues because the little league people do basically run their own parks. On Saturdays when they are there they are in control. It isn't the Parks & Recreation Department. They are going to enforce all of the rules and the ordinances that the City has. If they don't enforce them, I guess we could call a police officer who could come and enforce it if they had to. We don't like to see them used that way. The other thing we have to consider is we have a lot of large playgrounds out there and I have had calls from Livingston Park and Derryfield Park who don't like mothers sitting around on benches directly around the playground areas while kids are playing on equipment, they don't like smoking there and that is not something that we want to try to get our arms around because there is not going to be any governing agency there that is going to enforce it. We aren't going to have police trying to enforce because two mothers who have nothing to do at 10 in the morning except watch their kids, which is a good thing, are trying to determine who should be smoking and who shouldn't. We are going to have to be very careful there. However, if you leave it at the little league and not just little league but recreation soccer leagues. I was a father at North soccer and there are two fields parallel to one another with probably 20' between them. I don't know if it was just common sense but people typically walked right in between those fields at soccer games and people were really aware of smoking and nobody really had a problem with it but occasionally you are going to run into that person. I say leave it up to the leagues as to whether they want to do it or not.

Alderman Osborne asked, Mr. Arnold, isn't there an ordinance that we can put together that would go to all City-owned parks and we could leave it up to the leagues themselves. Something that has teeth in it so if it says "no smoking" we have an ordinance as such. I guess the leagues or whoever is in charge would decide where they want the smoking and where they do not.

Deputy Solicitor Arnold asked if this Committee wants to give us some direction as to what you would like to have drafted we could do that.

Alderman Osborne stated I think just something that said no smoking on all City-owned property as far as ball fields or Gill Stadium or whatever so there is an ordinance in place at least but leave it up to the discretion of the leagues.

Deputy Solicitor Arnold responded we could do that, yes.

Alderman Porter stated I think we are dealing with a sensitive area only because smoking, whether good or bad, we know it is not good but is legal. I think it would be a lot easier and simpler to create an ordinance that each little league if you will for each park have a designated smoking area. That way it is a little bit easier because if you are outside of that area and smoking then you at least have something specific to refer to rather than an imaginary line as far as what the distance is. I would just like to move that we create an ordinance that allows each park to have a designated smoking area created.

Alderman Osborne stated but you have to have an ordinance that says you can't smoke in the other areas. It is the same thing. You can leave it up to the discretion of the leagues as to where they want it. We have to have something in place at least that says there is no smoking.

Alderman Lopez duly seconded the motion.

Chairman Forest asked what is the motion. I didn't understand what the motion was.

Alderman Porter stated my motion is to allow the little leagues to create non-smoking areas, specially designated, and determined by them at their respective ballparks.

Alderman Osborne stated but you have no teeth on the other end. If they say I don't want to smoke in that area what are you going to do? I think we should put some teeth in something and then go the other way.

Chairman Forest asked do you understand what the motion is Clerk Normand.

Alderman Gatsas stated I thought there was already a motion on the floor.

Chairman Forest responded not there isn't. The only motion was for discussion.

Deputy Clerk Normand stated I understand what Alderman Porter is trying to do and what I have is he is making a motion that the little league would create a designated smoking area at their parks.

Alderman Porter stated and areas outside of that would be designated no smoking.

Deputy Solicitor Arnold responded I would just note that it would probably be administratively cleaner and easier if Parks & Recreation designated the smoking areas. They could, of course, do that in combination with the little leagues but at least then you have one agency designating these smoking areas instead of numerous little league organizations.

Mr. Ludwig stated that is not really going to work. We are going to go out to every league and I don't have a person to say okay you go over to South and you help them and tomorrow you go over to Northwest and you determine...these league people know what they are doing quite frankly out there at each site. Richard Marsten has been over there for a hundred years so he knows exactly what the best area is over there. Now if you want us to get involved because they are at odds with one another in terms of I can't see the designated smoking area at West Little League then I guess we could take a look at it and we would be happy to intervene on that behalf but most of these places and when we say little league I am sure we are speaking about all recreation leagues whether it be a soccer program at North or South or anywhere because this is going to apply across the board to people who run recreational soccer programs, little league programs and all of the different type of organizations.

Alderman Lopez stated Alderman Porter's motion if I understood Atty. Arnold it was to have one agency, which would be Parks & Recreation and you are throwing the soccer fields and everything else in there. I agree with you. I don't think it is expected for you to go out...for example a notice could go to all of the agencies from your department and tell them the Board of Directors that this is the ordinance and the policy that the City wants to follow and they will designate a smoking area within the park and it won't be in the bleachers and it won't be in the canteen and it won't be on the field. So I think it accomplishes everything we are trying to accomplish.

Alderman Gatsas asked Ron can you explain to me what jurisdiction we have over the little league fields. Don't they basically run themselves? There is nothing that Parks & Recreation goes over and does over there is there? I know it is City property but there is nothing that we as a City go over and do in these fields or maintain or supervise or police or anything else right? Is that true or not true?

Mr. Ludwig answered I always called us the safety net of little leagues because for the most part... and when you get into supervision we do a minimal amount of maintenance depending on the needs of the league and I say that we are a safety net. If a league falls on bad times because the nucleus of their group of people is weak in that particular year we go in and help them out and it happens on occasion but for the most part they do their own policing.

Alderman Gatsas asked then why are we as a government trying to intervene in what they should be overseeing themselves. If they want to post "No Smoking" signs at their fields that should have nothing to do with government. That should be totally up to them. If it is not anything that we are controlling or intervening in there is no reason why somebody that may have quit smoking all of the sudden decides that everybody shouldn't smoke. I think that they have the ability to control themselves, supervisor themselves, police themselves. If they want no smoking in the canteen or no smoking in right field and only smoking in left field that should totally be up to them. That is like saying that nobody at Wolf Park should smoke. That is a City park. Are we including Wolf Park in there?

Mr. Ludwig answered well on one side of Harvell Street you have Southwest Little League so I imagine you are including them in there. On the other side you have the adult softball field and they would probably have a different opinion of how this should be enforced or not enforced.

Alderman Gatsas asked so why wouldn't we let each league control themselves and why is government getting involved in a situation that we shouldn't be.

Mr. Ludwig answered I think the reason they are asking you for some assistance is because there are internal arguments. You may have two people at West Little League that think you should be...one might think you should be able to smoke in the canteen, which we all know is probably against health rules and the other person might say that there shouldn't be any smoking here so I think they are just looking to put a little teeth into what they are trying to enforce whether that is right or wrong.

Alderman Gatsas stated I don't think we as a government should be intervening in what somebody at the local level is thinking is right or wrong. We don't tell them

whether they should have 12 kids on a team or 15. Are we going to start getting into that?

Chairman Forest stated let me go back here a couple of months when I originally asked that we do this. My original request and it is still that way but it is up to this Committee what they want to do, my original request was by the Board of Directors of West Little League. I requested an ordinance to allow West Little League to set-up a designated no smoking area. I also asked that Parks & Recreation have the authority with this ordinance that if another league wanted it they could go to Parks & Recreation and Parks & Recreation could say okay and they could set it up. As far as getting all of the leagues in the City... Wolf Park and the soccer leagues, I never envisioned all of that. This was brought up originally by Alderman Porter and Alderman Lopez that everybody should do it. I am not in favor of setting up an ordinance to force every youth league or every amusement park or whatever it is in the City to do this. I only wanted West Little League. How it got this far and we are going even further now...

Alderman Gatsas interjected with all due respect West Little League is no different than any other little league in the City and if you are trying to supervise them from a governmental position I think they have the ability to do it internally if they want to do it. We as a government shouldn't be interfering with what is happening out there. If we are trying to settle a dispute on who can smoke and where they can smoke, I don't think that is a place for government.

Alderman Osborne stated maybe what we should do is not have an ordinance and just leave it up to the leagues and let them post a sign stating "For Our Kids, Please Don't Smoke." Why don't you try that first and go from there and see what happens? Do you have signs posted at all?

Mr. Marsten responded we had some signs up.

Alderman Osborne asked what did it read.

Mr. Marsten answered it just said "No Smoking."

Alderman Osborne stated that is rude way of putting it. I think if you put...you are in a ballfield and you are with a bunch of kids so you have a lot of parents there and uncles and aunts or whatever it is watching the game and for their sake, if you put it that way first, for our kid's sake please no smoking I think that will work much better than saying no smoking. I think that is a very blunt way of putting something.

Chairman Forest stated I will tell you it doesn't work. I don't know if you have been to little league games but they are just as competitive as adult games

Alderman Lopez stated I have to agree with the Chairman. I spent 35 years in little league and 99% of the time you are not going to have any problem. It is that one guy who is going to sit in the stand and smoke a cigar or smoke a cigarette and challenge you to throw him out. That is what the whole issue is. I agree with Alderman Gatsas that things could be done but they still are on City property and the attitude that some people get is I pay my taxes, I am watching the game and you can't tell me that I can't smoke. I know what they go through. I don't know what the solution is. I think that Alderman Porter had the right solution. You designate a smoking area because if you don't have something then you get into...I mean there have been situations throughout the country where people really got into a fistfight or pulled out a gun. I am telling you it gets really bad. I hope that never happens here but we have to be courteous to the smokers and non-smokers. If you think we can solve the problem by posting no smoking in the stands, no smoking in the canteen and no smoking on the field and see what happens...

Chairman Forest interjected we have a motion on the table.

Deputy Clerk Normand stated I think the motion on the table is that the little league organizations will create a designated smoking area at each City athletic park and designate areas outside the said zone as non smoking with guidance from the Parks & Recreation Department.

Chairman Forest called for a vote. Alderman Gatsas requested a roll call vote. Aldermen Gatsas and Osborne voted nay. Aldermen Porter and Lopez voted yea. Chairman Forest broke the tie by voting nay. The motion failed.

Alderman Osborne stated what Alderman Lopez was saying about having a hard time with just a few people, Alderman Lopez even if you take and designate a certain area at all of these different ballfields you are still going to get those people who are not going to go to that designated area anyway. I think it is a waste in that manner myself. If it is only a couple of people that are doing this why do we have to designate a no smoking area?

Alderman Lopez stated because I think that sometimes you have a Board of Directors of 10 or 11 people and 6 of them want it and 6 of them don't want it and then you have an internal Board of Directors saying let the people smoke where they want it is a human factor. It does happen. That is the problem he has.

Alderman Osborne stated I still go with what I said before. Post those signs that say for our kid's sake please don't smoke. I think that is the best I can come up with. You are always going to get somebody who is going to disagree with the law anyway and do what they want. I don't know what more to say.

Alderman Gatsas moved to receive and file. Alderman Osborne duly seconded the motion. Chairman Forest called for a vote. Alderman Porter requested a roll call. Aldermen Porter and Lopez voted nay. Aldermen Gatsas and Osborne voted yea. Chairman Forest broke the tie by voting yea. The motion carried.

Appeal of the denial of taxi driver's license.

On motion of Alderman Osborne, duly seconded by Alderman Gatsas it was voted to dismiss the appeal.

### **TABLED ITEM**

On motion of Alderman Gatsas, duly seconded by Alderman Osborne it was voted to remove this item from the table.

Communication from Kenneth DeSchuiteneer, Metro Cab Co., Inc.,  
requesting consideration of an increase in taxi rates.

On motion of Alderman Osborne, duly seconded by Alderman Porter it was voted to receive and file.

### **NEW BUSINESS**

Alderman Gatsas stated I would like to request that MCAM come in and give this Committee a detailed accounting of expenditures that they have made for renovations and their budget for the funds that we the City and the taxpayers have given to them so we can find out whether they have really constructed Taj Mahal or not.

Chairman Forest asked the Clerk to send a letter to MCAM.

There being no further business, on motion of Alderman Gatsas, duly seconded by Alderman Porter it was voted to adjourn.

A True Record. Attest.

Clerk of Committee